



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,437	06/29/2001	Li Zhang	BS00-285	5279

28970 7590 06/17/2004

SHAW PITTMAN
IP GROUP
1650 TYSONS BOULEVARD
SUITE 1300
MCLEAN, VA 22102

EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
----------	--------------

2126

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,437

Applicant(s)

LI ZHANG, ALPHARETTA

Examiner

LeChi Truong

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claim 1-35 are presented for the examination.

Claim Rejections - 35 USC § 112

2. Claims 6, 16, 18, 25, 30, 35 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
3. As to claim 6, 16, the term “the network application sends a service session instruction to the service session management logic” was not described in the specification.
4. As to claim 18, 25, 30, 35, the term “sending a service session instruction to one or more application programming interfaces was not described in the specification”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 11-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Luzeski et al (US. Patent 6, 430,177 B1) in view of Admitted Prior Art (APA).

Art Unit: 2126

6. **As to claim 1**, Luzeski teaches the invention substantially as claimed including: the invention substantially as claimed including: an application server (web server 14 which is sometimes referred to herein as a “larger object server” and which is preferably a software component running on the messaging platform/ mainframe 10, col 5, ln 15-25/ Fig. 1), an application (server platform 12/ applet server, col 5, ln 45-50/ Fig. 1), one or more application programming interface (CMC API 10-4, col 5, ln 30-40/ Fig. 1), service management logic, session manager 10-5, col 5, ln 30-36/ Fig. 1).

7. Luzeski do not explicit teach the term “a converged service creation environment”. However, APA teaches service creation environment (converged service creation, page 6, ln 3-5).

8. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Luzeski and APA because APA’s converged service creation would provide flexible billing, which can become key service differentiators for communications service provides.

9. **As to claim 2**, Luzeski teaches API (col 11, ln 10-15), Broadband/ narrowband (col 1, ln 40-44).

10. **As to claim 3**, APA teaches network application (network, page 4, ln 3-14).

11. **As to claim 4**, Luzeski teaches a service request (receiving information, downloading, col 5, ln 62-67).

12. **As to claim 5**, Luzeski teaches a service applet (java applets, col 5, ln 45-55/ col 6, ln 1-5).

Art Unit: 2126

13. **As to claim 6**, Luzeski teaches service session instruction (code and password, col 6, ln 65-67 col 10, ln 24-33), the service session management logic (session manager 10-5, col 7, ln 30-38), the service request (a user first request, col 7, ln 30-38).

14. **As to claim 11**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Luzeski teaches a data network (firewall/ proxy gateway router 18, col 5, ln 62-67/ Fig.1), a customer data device (a remote PC- base client 20, col 5, ln 20-25), a service applet (Java applets, Fig. 1), an application server (web server 14 which is sometimes referred to herein as a “ larger object server” and which is preferably a software component running on the messaging platform/ mainframe 10, col 5, ln 15-25/ Fig. 1), an application (server platform 12/ applet server, col 5, ln 45-50/ Fig. 1), one or more application programming interface(CMC API 10-4, col 5, ln 30-40/ Fig. 1), service management logic, session manager 10-5, col 5, ln 30-36/ Fig. 1).

15. **As to claim 12**, Luzeski teaches the plurality o service servers (col 1, ln 35-43/ col 2, ln 5-22).

16. **As to claim 13-16**, they are apparatus claims of claims 2, 3, 4, 6; therefore, they are rejected for the same reasons as claims 2, 3, 4, 6 above.

17. **Claims 7-10, 17-19, 20-35** rejected under 35 U.S.C. 103(a) as being unpatentable over Luzeski et al (US. Patent 6, 430,177 B1) in view of Admitted Prior Art (APA) and further in view of Qui et al (US. Patent 6,684,251 B1).

Art Unit: 2126

teach
^

pg 18. As to **claim 7**, Luzeski and APA do not explicit softswitch. However, Qui teaches the soft switch (the switch fabric, col 4, ln 30-35).

19. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Luzeski, APA and Qui because Qui's switch would provides a communication network that concurrently sets-up connection to reduce setup time.

20. As to **claim 8**, Qui teaches the service session management logic sends a communications session instruction to the soft switch (col 4, ln 7-35), the communication session instruction based at least in part on the service session instruction (col 4, ln 1-7).

21. As to **claim 9**, Qui teaches a first/ second communication setup (end to end connection requirement, col 4, ln 1-7), the communication session instruction based at least in part on the service session instruction (col 4, ln 1-7), service server/ a customer data device (user system 141, 142, Fig. 1).

22. As to **claim 10**, Qui teaches the service session management (service session management, Fig. 2), a first/ second communication setup (end to end connection requirement, col 4, ln 1-7), the communication session instruction based at least in part on the service session instruction (col 4, ln 1-7), service server/ a customer data device (user system 141, 142, Fig. 1).

23. As to **claim 17**, it is an apparatus claim of claim 10; therefore, it is rejected for the same reason as claim 10 above.

24. As to **claim 18**, it is an apparatus claim of claim 11; therefore they are rejected for the same reason as claim 11 above. In additional, Luzeski teaches a service request (request, col 7, ln

Art Unit: 2126

25-30), generating a service instruction (establish and maintain session, col 7, ln 25-30), an event notification, an event confirmation (col 19, ln 60-62). Luzeski and APA does not explicit teach the service session instruction corresponding to one or more communication session. However, Qui teaches the service session instruction corresponding to one or more communication session (end to end connection requirements based on the service requirement from the service session manager, col 4, ln 1-6).

25. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Luzeski, APA and Qui because Qui's end to end connection requirements based on the service requirement from the service session manager would allow the service layer to inter-operate more efficiently with the network layer.

26. As to **claim 19**, Luzeski teaches sending an applet to the customer data device (col 20, ln 3-3).

27. As to **claim 20-24**, they are apparatus claims of claims 2, 8, 9, 10; therefore, they are rejected for the same reasons as claims 2, 8, 9, 10.

28. As to **claims 25-35**, they are apparatus claims of claims 18, 20-24; therefore, they are rejected for the same reasons as claims 18, 20-24.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

Art Unit: 2126

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

June 9, 2004



MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100